

April 4, 1975

SENATOR BARNETT: Mr. President, I would like to ask the Committee chairman a question, if I could. Senator Kennedy. On LB 91, in the Committee report, it said that they eliminated two sections of the bill and one of them was to conform with the American National Standard Institute. Is this referring to construction or what does this refer to and why did you eliminate that section?

SENATOR KENNEDY: I guess, again, so they would have local control. They could adopt that, if they so chose, but I think that has been done in a number of the bills that have been processed.

SENATOR BARNETT: There still is...there is within the bill, then, the ability to adopt this code, if they so desire. Is that what you are saying?

SENATOR KENNEDY: Yes, that it does give the local entity or the town, city, county opportunity to, you know, adopt what they want to and it could be that code.

SENATOR BARNETT: OK. Thank you.

PRESIDENT: Senator Cope.

SENATOR COPE: Mr. President and members, a question of Senator Simpson. Just a double check now, the licenses are issued by the state under this bill, is that correct?

SENATOR SIMPSON: Yes.

SENATOR COPE: All right. The enforcement is by local or state?

SENATOR SIMPSON: Primarily, under the bill, the enforcement would be by the State Department of Health. They can, if the local so wishes and comply, turn this over to the local unit.

SENATOR COPE: In other words, if someone...well, they have to apply to the state for a license and the local municipality has no privilege at all there, in answering or depending on the standards, that is what I am talking about. Some towns have very high standards in their comprehensive plans and probably would be higher, maybe, than the state. Now how would this?

SENATOR SIMPSON: If the local has higher standards than the state, they would be able to enforce these, if they so wished. On the licensing, the recommendation would come from the local, if they were doing the enforcement, to the state as to whether the license should be given or not.

SENATOR COPE: All right. One last question. If the enfor...or if the statutes are higher in the municipality, does that supercede the state regulations?

SENATOR SIMPSON: Not automatically. Under this, if the municipality had more restrictive statutes than the state, then they could apply to be exempted from the state law and do their own enforcement. But they would have to apply